THE TRADE OF SHAME
The sale of children

▸ A six-year-old girl is sold to a family who is looking for a domestic servant.

▸ A boy is sold to work as a shepherd, because his parents cannot afford to feed him.

▸ Children are given away to employers in neighbouring countries, to work there as smugglers or domestic servants.

These cases of sale or exploitation of children took place in Latin America. They were reported to the United Nations in 1988 by the Defence for Children International Movement, a non-governmental organization (NGO) working to curb this practice.

There are three main manifestations of the sale of children, states a 1987 United Nations report: children are sold for adoption, for forced labour and for prostitution. The practice is not limited to the developing world, but concerns many countries around the globe.

INTERNATIONAL ADOPTION

From the 1950s, when the adoption of war orphans from Asia became common, there arose the threat of commerce in children, especially involving the flow of children from Asia and South America to Europe and North America.

The demand for children in the industrial world led to a parallel supply of children in the developing countries. Adoption agencies linked with the business sector have mushroomed in some countries, with the sole aim of facilitating international adoption for cash.

The channels for international adoption are at times clandestine and illegal. Often the seemingly legal entry of a child into a country for adoption is obscured by dubious practices in the country of origin. Often would-be adoptive parents bypass official authorities and act through their own means.

When adoptions take place without court supervision, they may involve the sale of children. Intermediaries exploit the ignorance and bewilderment of parents. They may offer to relieve them of their child for a fee and, at the same time, extract a much larger payment from the adopting parents.

Thousands of children over the last decade have been more or less fraudulently adopted by families in North America and Western Europe, the NGO International Abolitionist Federation reported to the United Nations in 1989. Poor parents received a tiny amount of money for which they could stave off hunger for a while or pay off some of their debts, while middlemen or Western-based adoption agencies could make between $2,500 and $10,000 for a healthy child.

CHILD LABOUR

In the developing world large numbers of children, some of whom are still very young, have to work for lengthy periods after having been sold or bonded.

There are no precise figures on child labour or the sale of children for child labour. Developing countries in the past 20 years have considerably increased the enrolment rate in primary schools, according to a study of the International Labour Organisation (ILO). But enrolment in secondary schools is still very low—between 19 and 34 per cent, depending on the country. The implication is that most children work instead of attending secondary school.

In the case of the sale of children for forced labour, estimates are even more difficult to obtain, since, where the law prohibits child labour, the practice is doubly illegal.

Children may be sold for labour in various ways: the employer may give all or part of the child's wages in advance to the family, or may undertake to pay the child's wages to the parents. Many intermediaries and agencies operate in the developing world, where children may be bought

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for very little. When children are recruited by agencies, they may be sold virtually into bondage to work in agriculture, in factories or in domestic work.

CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Since the sale of children for prostitution is clandestine, it is difficult to obtain accurate information. But indications show that the numbers are increasing. According to some NGOs, younger children and an increasing number of boys are involved.

Child prostitution is a global phenomenon. It is particularly evident in the developing world, partly due to the pervasive poverty which induces parents to sell their children or drive them into prostitution. It is linked with serfdom, debt bondage, forced marriages and sex tourism.

Sex tourism has aggravated the problem, and led to a greater number of boy prostitutes. Prostitution itself is only one step away from other tragic problems, such as drugs and AIDS. The rise in the number of AIDS-afflicted children adds an urgent call of distress.

Like child prostitution, child pornography inflicts physical and psychological damage on the child. The setting has become more complicated with the availability of video equipment, which can rapidly increase the international production and sale of pornography.

Reporting to the United Nations in 1989, the Norwegian NGO Save the Children noted that there were obvious linkages between the debt crises of many third world countries and the sexual exploitation of children. In this sense, sexual exploitation of children was basically a poverty problem, and should be treated as such, the NGO stated.

UNITED NATIONS ACTION

The United Nations has long been concerned with the problem of child labour, child prostitution and the sale of children. The UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, and its Working Group on slavery and the slave trade, are the UN organs most directly involved.

A recent initiative of the Sub-Commission was the drafting of a programme of action for prevention of sale of children, child prostitution and child pornography. The programme calls for national and international measures, including information, education, assistance and rehabilitation, legislative measures and stronger law enforcement. The Sub-Commission in 1990 sent the draft programme to Governments, specialized agencies and NGOs, and is now considering their comments and possible amendments.

The Sub-Commission also proposed in 1990 a programme of action for the elimination of the exploitation of child labour. The programme was sent for comments to Governments, specialized agencies and NGOs.

The United Nations Children's Fund (UNICEF) is increasingly directing its activities towards children in difficulty, including those affected by this problem. The International Labour Organisation is another key contributor, with initiatives such as its programme on the elimination of child labour.

UN CONVENTION

A powerful legal tool to curb the sale of children is the 1989 United Nations Convention on the Rights of the Child, which has been ratified by 87 States. The Convention obliges States parties (article 35) to "take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form".

To prevent illegal adoptions, the Convention (article 21) requires preliminary examination of adoption in the home country, authorization of adoption by competent authorities and, in international adoptions, measures to prevent improper financial gains.

On child prostitution, the Convention prescribes (article 34) that "States Parties shall...take all appropriate...measures to

prevent. . .the exploitative use of children in prostitution or other unlawful sexual practices". The Convention also obliges States to prevent the exploitative use of children in pornographic performances and materials.

SPECIAL RAPPORTEUR

Alarmed by the dimensions of the phenomenon, the UN Commission on Human Rights—the main UN body concerned with human rights protection and the parent body of the Sub-Commission on Prevention of Discrimination and Protection of Minorities—decided in 1990 to appoint a special rapporteur on the sale of children, child prostitution, child pornography and adoption of children for commercial purposes.

In September 1990, the Commission appointed as rapporteur Vitit Muntarbhorn, of Thailand, a law professor and an expert on the rights of the child. Muntarbhorn submitted his first report in January 1991.

CAUSES. . .

"The sale of children is a universal phenomenon", Muntarbhorn says in his report. "Its transnationalism has been aggravated by the advent of unabashed consumerism, modern technology and rapid communications."

Some of the causes of child exploitation are well known, he says. Poverty emerges as a common thread, but there are accompanying causes. The fragmentation and breakdown of the family, compounded by migration, exerts an inordinate pressure on children. Child abuse may arise: it is well established that many child prostitutes were abused earlier.

Gender discrimination is also visible, leading to disadvantages for the girl child, for instance in families where boys have priority for access to schooling.

This is compounded by cultural practices, such as the persistent viewpoint in some societies that children are the property of parents, and the social acceptance of prostitution and pornography.

At the other end, there are criminal elements who seek to exploit children, ranging from procurers to syndicates, from unscrupulous employers to subcontractors, from agents to profiteers, colluding at times with law enforcement officials.

. . .AND REMEDIES

Legal sanctions are now available through national and international structures, Muntarbhorn notes, but implementation is insufficient and demands greater commitment.

For instance, on child labour "a host of laws exist at both the international and national levels, fluctuating between the need to abolish child labour and the need to regulate it. Both approaches have been hampered by the fact that law enforcement is poor", often because of ineffective police and a shortage of labour inspectors.

Laws should be bolstered by a score of social, economic and political measures, Mutarbhorn says. Does it suffice to stipulate a minimum age for child labour when the family is pushing the child to work? What social welfare, subsidy or other incentive is there to help parents resist sending the child to work and encourage him/her to go to school? How attractive is schooling to the child or to the parents when there is little to eat at home?

While all countries have laws on child labour, many still do not have laws providing social welfare to families and children, Muntarbhorn notes. Laws seek to punish transgressors, but seem to forget that incentives may be required to induce employers not to use child labour.

The same is true for child prostitution. There are many national and international laws against that practice, he says. But again the law in itself, abolishing, prohibiting or regulating the problem, does not suffice. Other interventions are required—educational opportunities, job alternatives, social subsidies—not only for the child but also for the family.

Where the sale of children is rooted in cultural practices, laws alone will not suffice to overcome

age-old beliefs, he says. This entails a different socialization process, carried out through education and information. It requires imaginative use of the mass media, and community involvement in questioning ingrained taboos and prejudices.

INTERNATIONAL ACTION

The international aspects of the sale of children, child prostitution and child pornography call for more international efforts to tackle the problem, Muntarbhorn says.

There is a need for stricter law enforcement and related sanctions. The role of law enforcement authorities, particularly INTERPOL, the International Criminal Police Organization, is important at the international level. INTERPOL now has a model crime-prevention programme with a bearing on child exploitation. It is also circulating to States a questionnaire to identify facts and figures on offences against minors.

There are many international treaties on the subject, Muntarbhorn notes, including the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, ILO conventions on minimum age for child labour and on forced labour, and the UN Convention on the Rights of the Child.

The legislative framework already exists. Its shortcomings include the antiquated nature of some treaties, the paucity of accessions by States, and the lack of implementation by the States which have acceded. And treaties do not provide an adequate preventive approach to tackle the root causes of the problem, Muntarbhorn says. No convention seeks for instance to establish the broad social interventions required to help poor families.

RESPONSES REQUIRED

The problem involves not only economic but also socio-cultural aspects, such as ingrained attitudes against women, the image of children as the property of parents and apparent acceptance of sexual exploitation in some communities. Education and dissemination of information to change attitudes and behaviour need greater encouragement.

The root causes of the phenomenon will condition the responses required, Muntarbhorn says. "Economic disparities, social deprivations, family disintegration, unadulterated consumerism and systematic exploitation are but some of the ostensible causes. In terms of countermeasures, far more than laws and regulations are required to prevent and eliminate these factors. Political and social will, programme-linked policies, development assistance and budgetary commitment are but some of the inter-disciplinary requisites."

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